

United States Court of Appeals
For the First Circuit

ATTACHMENT # 2

No. 03-2613

UNITED STATES,

Appellee,

v.

ROBERT ALI HERNANDEZ-WILSON,

Defendant, Appellant.

Before

Selya, Lynch and Lipez,
Circuit Judges.

JUDGMENT

Entered: January 20, 2005

Defendant-appellant seeks to have his sentence vacated and his case remanded for further proceedings because he did not knowingly and voluntarily waive his rights to a full revocation hearing pursuant to Fed. R. Crim. P. 32.1. The government concedes error. We agree with the parties that a remand is warranted because the record does not reflect a valid waiver of defendant's Rule 32.1 rights. See United States v. Correa-Torres, 326 F.3d 18, 22 (1st Cir. 2003).

Vacated and remanded.

By the Court:

Richard Cushing Donovan, Clerk.

By: **MARGARET CARTER**
Chief Deputy Clerk.

[Certified Copies: Hon. Jose A. Fuste, France Rios de Moran, Clerk]

[cc: Lynn M. Doble Salicrup, AUSA, Nelson J. Perez-Sosa, AUSA, Thomas F. Klumper, AUSA, Luis R. Rivera-Gonzalez, Esq.]

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